

PATENT
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Ryffman
N. Kimms
3-1803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Kiyoshi OKAMOTO, *et al.*

Group Art Unit: 3724

Serial No.: 09/624,619

Examiner: Goodman, C.

Filed: July 24, 2000

Attorney Docket No.: CANO:011

For: SHEET PROCESSING APPARATUS, CONTROL METHOD THEREFOR, SHEET PROCESSING
METHOD, AND STORAGE MEDIAAssistant Commissioner for Patents
Washington, D.C. 20231Certificate of Filing By FacsimileI hereby certify that this paper is being transmitted via
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Trademark Office, Technology Center 3700, at telephone
number: 703-872-9302Date: December 5, 2002By: Lyle Kimms
Lyle Kimms

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REQUEST FOR RECONSIDERATION &
PETITION FOR WITHDRAWAL OF THE NOTICE OF NON-RESPONSE
UNDER RULE 181 or 183

Sir:

Applicants request the examiner/petition authority to withdraw the notice of non-response, and suspend the period for response to the notice while this petition is being decided.

STATEMENT OF FACTS

1. The examiner issued a 17-way restriction on October 23, 2001. See paper no. 6.
2. Applicants elected claims 11, 13, and 14 directed to GROUP IX. See the reply mailed November 19, 2001
3. The examiner rejected claims 11, 13, and 14 as unpatentable over prior art. See the Office Action mailed May 6, 2002.
4. In reply, applicants amended claim 11 to clarify certain features originally claimed. See the Amendment filed August 15, 2002. Applicants amended claim 11 as follows:

SN. 09/624,619

ATTORNEY DOCKET NO. CANO:011

--11. (Amended) A sheet processing apparatus comprising:

sheet processing means for [executing] processing a sheet [process to a sheet] having a side edge;

conveying means for conveying the sheet to be processed by said sheet processing means;

detecting means for detecting [an end position] side edge of the sheet, the side edge extending along [in a direction at a right angle relative to] a conveying direction of the sheet; and

control means for controlling said sheet processing means to [execute] process the sheet [process to] at a position based on a detection result of said detecting means on the sheet, after a detecting operation by said detecting means; and

wherein said control means controls timing [for starting] of the detecting operation by said detecting means so [as to execute the detecting operation] that said detecting means detects the side edge of the sheet at a vicinity of a sheet processing position [on] of the sheet at which [said sheet process is executed by] said sheet processing means processes the sheet.--

5. In response to the Amendment, the examiner issued a notice of non-response. See the communication dated November 5, 2002. The examiner's reason for the notice is that amended claim 11 includes details that are not specific to the elected invention of Group IX:

The fact that the claim refers to the detecting means detects the side edge which extends along the conveying direction, is according to the disclosure, directed to the detecting means (93), this particular detecting means being movable in the width direction and a non-elected [invention]. This basically amounts to a shift in the middle of prosecution which is not permissible.

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Petition filed back in December 5, 2003

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Sir:

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Request for Reconsideration/Petition for Withdrawal
of the Notice of Non-response: 5 Pages

Total Including this Cover Sheet: 6 Pages

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Marc A. Rossi at Rossi & Associates at telephone number 202-352-5683.